

No. 6331

**FEDERAL REPUBLIC OF GERMANY, BELGIUM,
BRAZIL, DENMARK, SPAIN, etc.**

**International Convention on certain rules concerning civil
jurisdiction in matters of collision. Signed at Brussels,
on 10 May 1952**

Official texts: French and English.

Registered by Belgium on 2 October 1962.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, BELGIQUE,
BRÉSIL, DANEMARK, ESPAGNE, etc.**

**Convention internationale pour l'unification de certaines
règles relatives à la compétence civile en matière
d'abordage. Signée à Bruxelles, le 10 mai 1952**

Textes officiels français et anglais.

Enregistrée par la Belgique le 2 octobre 1962.

No. 6331. INTERNATIONAL CONVENTION¹ ON CERTAIN RULES CONCERNING CIVIL JURISDICTION IN MATTERS OF COLLISION. SIGNED AT BRUSSELS, ON 10 MAY 1952

The High Contracting Parties,

Having recognised the advisability of establishing by agreement certain uniform rules relating to civil jurisdiction in matters of collision, have decided to conclude a Convention for this purpose and thereto have agreed as follows :

Article 1

(1) An action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced :

- (a) either before the Court where the defendant has his habitual residence or a place of business;
- (b) or before the Court of the place where arrest has been effected of the defendant ship or of any other ship belonging to the defendant which can be lawfully arrested, or where arrest could have been effected and bail or other security has been furnished;
- (c) or before the Court of the place of collision when the collision has occurred within the limits of a port or in inland waters.

(2) It shall be for the Plaintiff to decide in which of the Courts referred to in § 1 of this article the action shall be instituted.

¹ In accordance with article 12 (a), the Convention came into force on 14 September 1955, six months after the date of deposit of the second instrument of ratification. Here follows a list of States which have deposited their instruments of ratification or accession (a) with the Ministry of Foreign Affairs of Belgium, indicating the date of deposit and the date of entry into force of the Convention for each State :

<i>State</i>	<i>Date of deposit</i>	<i>Date of entry into force</i>
Spain	8 December 1953	14 September 1955
Switzerland	28 May 1954 (a)	14 September 1955
Yugoslavia	14 March 1955	14 September 1955
Costa Rica (with reservations)*	13 July 1955 (a)	13 January 1956
Egypt	24 August 1955	24 February 1956
Holy See	10 August 1956	10 February 1957
Cambodia (with reservations)*	12 November 1956 (a)	12 May 1957
Portugal	4 May 1957	4 November 1957
France**	25 May 1957	25 November 1957
United Kingdom of Great Britain and Northern Ireland	18 March 1959	18 September 1959
Belgium	10 April 1961	10 October 1961
Argentina	19 April 1961 (a)	19 October 1961

* For the text of these reservations, see p. 230 of this volume.

** A notification of application to the French Overseas Territories, the Trust Territories of Togoland and Cameroon under French administration was received by the Government of Belgium on 23 April 1958 and took effect on 23 October 1958.

(3) A claimant shall not be allowed to bring a further action against the same defendant on the same facts in another jurisdiction, without discontinuing an action already instituted.

Article 2

The provisions of Article 1 shall not in any way prejudice the right of the parties to bring an action in respect of a collision before a Court they have chosen by agreement or to refer it to arbitration.

Article 3

(1) Counterclaims arising out of the same collision can be brought before the Court having jurisdiction over the principal action in accordance with the provisions of Article 1.

(2) In the event of there being several claimants, any claimant may bring his action before the Court previously seized of an action against the same party arising out of the same collision.

(3) In the case of a collision or collisions in which two or more vessels are involved nothing in this Convention shall prevent any Court seized of an action by reason of the provisions of this Convention, from exercising jurisdiction under its national laws in further actions arising out of the same incident.

Article 4

This Convention shall also apply to an action for damage caused by one ship to another or to the property or persons on board such ships through the carrying out of or the omission to carry out a manœuvre or through non-compliance with regulations even when there has been no actual collision.

Article 5

Nothing contained in this Convention shall modify the rules of law now or hereafter in force in the various contracting States in regard to collisions involving warships or vessels owned by or in the service of a State.

Article 6

This Convention does not affect claims arising from contracts of carriage of from any other contracts.

Article 7

This Convention shall not apply in cases covered by the provisions of the revised Rhine Navigation Convention of 17 October 1868.¹

¹ De Martens, *Nouveau Recueil général de Traités*, tome XX, p. 355.

Article 8

The provisions of this Convention shall be applied as regards all persons interested when all the vessels concerned in any action belong to States of the High Contracting Parties.

Provided always that :

- (1) As regards persons interested who belong to a non-contracting State, the application of the above provisions may be made by each of the contracting States conditional upon reciprocity;
- (2) Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the Convention are applicable.

Article 9

The High Contracting Parties undertake to submit to arbitration any disputes between States arising out of the interpretation or application of this Convention, but this shall be without prejudice to the obligations of those High Contracting Parties who have agreed to submit their disputes to the International Court of Justice.

Article 10

This Convention shall be open for signature by the States represented at the Ninth Diplomatic Conference on Maritime Law. The protocol of signature shall be drawn up through the good offices of the Belgian Ministry of Foreign Affairs.

Article 11

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs which shall notify all signatory and acceding States of the deposit of any such instruments.

Article 12

(a) This Convention shall come into force between the two States which first ratify it, six months after the date of the deposit of the second instrument of ratification.

(b) This Convention shall come into force in respect of each signatory State which ratifies if after the deposit of the second instrument of ratification six months after the date of the deposit of the instrument of ratification of that State.

Article 13

Any State not represented at the Ninth Diplomatic Conference on Maritime Law may accede to this Convention.

The accession of any State shall be notified to the Belgian Ministry of Foreign Affairs which shall inform through diplomatic channels all signatory and acceding States of such notification.

The Convention shall come into force in respect of the acceding State six months after the date of the receipt of such notification but not before the Convention has come into force in accordance with the provisions of Article 12 *a*).

Article 14

Any High Contracting Party may three years after the coming into force of this Convention in respect of such High Contracting Party or at any time thereafter request that a conference be convened in order to consider amendments to the Convention.

Any High Contracting Party proposing to avail itself of this right shall notify the Belgian Government which shall convene the conference within six months thereafter.

Article 15

Any High Contracting Party shall have the right to denounce this Convention at any time after the coming into force thereof in respect of such High Contracting Party. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government which shall inform through diplomatic channels all the other High Contracting Parties of such notification.

Article 16

(*a*) Any High Contracting Party may at the time of its ratification of or accession to this Convention or at any time thereafter declare by written notification to the Belgian Ministry of Foreign Affairs that the Convention shall extend to any of the territories for whose international relations it is responsible. The Convention shall six months after the date of the receipt of such notification by the Belgian Ministry of Foreign Affairs extend to the territories named therein, but not before the date of the coming into force of the Convention in respect of such High Contracting Party.

(*b*) A High Contracting Party which has made a declaration under paragraph *a*) of this Article extending the Convention to any territory for whose international relations it is responsible may at any time thereafter declare by notification given to the Belgian Ministry of Foreign Affairs that the Convention shall cease to extend to such territory and the Convention shall one year after the receipt of the notification by the Belgian Ministry of Foreign Affairs cease to extend thereto.

(*c*) The Belgian Ministry of Foreign Affairs shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

DONE in Brussels, in a single original in the French and English languages, the two texts being equally authentic, on May 10, 1952.

Pour la République Fédérale
d'Allemagne :

For the Federal Republic of
Germany :

Dr. Anton PFEIFFER

Dr. Guenther JOEL

Pour l'Autriche :

For Austria :

Pour la Belgique :

For Belgium :

LILAR

J. A. DENOËL

H. DE VOS

SOHR

Ant. FRANCK

Pour le Brésil :

For Brazil :

A. C. R. GABAGLIA

(*ad referendum*)

Pour le Canada :

For Canada :

Pour la Colombie :

For Colombia :

Pour Cuba :

For Cuba :

Pour le Danemark :

For Denmark :

N. V. BOEG

Pour l'Égypte :

For Egypt :

Ahmed HAKKI

6 janvier 1955

Pour l'Espagne :

For Spain :

Ad referendum

Marquis DE MERRY DEL VAL

Pelegrin BENITO

Rafael DE LA GUARDIA

M. GUBERN PUIG

Pour les États-Unis d'Amérique :

For the United States of America :

Pour la Finlande :

For Finland :

Pour la France :

For France :

Philippe MONOD

Pour la Grèce :

For Greece :

D. CAPSALIS

G. MARIDAKIS

Pour l'Indonésie :

For Indonesia :

Pour l'Italie :

For Italy :

Torquato C. GIANNINI

Pour le Japon :

For Japan :

Pour le Liban :

For Lebanon :

Sami EL-KHOURY

25 mai 1954

Pour Monaco :

For Monaco :

M. LOZÉ

Pour le Nicaragua :

For Nicaragua :

J. RIVAS

Pour la Norvège :

For Norway :

Pour les Pays-Bas :

For the Netherlands :

Pour le Pérou :

For Peru :

Pour le Portugal :

For Portugal :

Eduardo VIEIRA LEITÃO

16 octobre 1956

Pour le Royaume-Uni :

For the United Kingdom :

G. St. Cl. PILCHER

C. P. SCOTT-MALDEN

A. H. KENT

Pour le Saint-Siège :

For the Holy See :

P. DEMEUR

4 février 1954

Pour la Suède :

For Sweden :

Pour la Suisse :

For Switzerland :

Pour la Thaïlande :

For Thailand :

Pour la Turquie :

For Turkey :

Pour l'Uruguay :

For Uruguay :

Pour le Venezuela :

For Venezuela :

Pour la Yougoslavie¹ :

For Yugoslavia :

Sous réserve de ratification ultérieure²

P. NIKOLIC

¹ « Le Gouvernement de la République Populaire Fédérative de Yougoslavie se réserve le droit de se déclarer au moment de la ratification sur le principe de « sister ship » prévu à l'article 1^{er} lettre (b) de cette Convention ». [TRANSLATION — TRADUCTION] The Government of the Federal People's Republic of Yugoslavia hereby reserves the right to state its position, at the time of ratification, on the "sister ship" principle provided for in article 1 (b) of this Convention.

² Subject to subsequent ratification.

RESERVATIONS MADE AT THE TIME OF ACCESSION RESERVES FAITES AU MOMENT DE L'ADHÉSION

COSTA RICA

[SPANISH TEXT — TEXTE ESPAGNOL]

« El Gobierno de la República de Costa Rica, al adherirse a esta Convención, hace la reserva de que una acción civil por motivo de colisión entre buques de alta mar o entre buques de alta mar y embarcaciones de navegación interna, únicamente puede presentarse ante un tribunal de la residencia habitual del demandado o del Estado bajo cuya bandera navega el barco.

« En consecuencia, la República no reconoce como obligatorios los incisos *b*) y *c*) del párrafo 1º del artículo primero. »

« Conforme al Código de Derecho Internacional Privado, aprobado en la Sexta Conferencia Internacional Americana, celebrada en La Habana, Cuba, el Gobierno de la República de Costa Rica, al aceptar este Convenio hace reserva expresa de que en ningún caso renuncia a su competencia o jurisdicción para aplicar la ley costarricense en colisiones ocurridas en alta mar, o en sus aguas territoriales en perjuicio de un buque costarricense. »

[TRADUCTION]

Le Gouvernement de la République de Costa Rica, en adhérant à la présente Convention, fait la réserve qu'une action civile du chef d'un abordage entre navires de mer ou entre navires de mer et bateaux de navigation intérieure pourra être intentée uniquement devant un tribunal de la résidence habituelle du défendeur ou de l'État dont le navire bat pavillon.

En conséquence, la République de Costa Rica ne reconnaît pas le caractère obligatoire des alinéas *b* et *c* du paragraphe 1 de l'article 1.

Conformément au Code de droit international privé approuvé lors de la sixième Conférence internationale américaine qui s'est tenue à La Havane (Cuba), le Gouvernement de la République de Costa Rica, en acceptant la présente Convention, fait la réserve

[TRANSLATION]

The Government of the Republic of Costa Rica, in acceding to this Convention, hereby enters the reservation that a civil action for collision between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced before a Court where the defendant has his habitual residence or a Court of the State whose flag the vessel flies.

Consequently the Republic does not recognize article 1, paragraph 1, sub-paragraphs (*b*) and (*c*) as binding.

In accordance with the Code of Private International Law, approved at the Sixth International Conference of American States, held at Havana, Cuba, the Government of the Republic of Costa Rica, in acceding to this Convention, hereby enters the express

expresse qu'il ne renonce en aucun cas à sa compétence ou à sa juridiction pour appliquer la loi costaricienne à l'occasion d'abordages survenus en haute mer ou dans ses eaux territoriales au préjudice d'un navire costaricien.

CAMBODGE

« Le Gouvernement Royal du Cambodge, en adhérant à ladite convention, fait cette réserve que l'action civile du Chef d'un abordage survenu entre navires de mer ou entre navires de mer et bateaux de navigation intérieure, pourra être intentée uniquement devant le tribunal de la résidence habituelle du défendeur ou de l'État dont le navire bat pavillon.

En conséquence, le Gouvernement Royal du Cambodge ne reconnaît pas le caractère obligatoire des alinéas *b*) et *c*) du paragraphe 1er de l'article 1er.

En acceptant ladite convention, le Gouvernement Royal du Cambodge fait cette réserve expresse que, en aucun cas, il ne renoncera à sa compétence ou juridiction pour appliquer la loi cambodgienne en matière d'abordage survenu en haute mer ou dans ses eaux territoriales au préjudice d'un navire cambodgien. »

reservation that in no case will it waive its competence or jurisdiction as regards the application of Costa Rican law with respect to collisions occurring on the high seas or in its territorial waters in which a Costa Rican vessel suffers loss.

CAMBODIA

[TRANSLATION — TRADUCTION]

The Royal Government of Cambodia, in acceding to the Convention, hereby enters the reservation that a civil action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced before the Court where the defendant has his habitual residence or the Court of the State whose flag the vessel flies.

Consequently, the Royal Government of Cambodia does not recognize article 1, paragraph 1, sub-paragraphs *(b)* and *(c)* as binding.

In acceding to the convention, the Royal Government of Cambodia hereby enters the express reservation that in no case will it waive its competence or jurisdiction as regards the application of Cambodian law with respect to collisions on the high seas or in its territorial waters in which a Cambodian vessel suffers loss.